

**Effective 5/12/2015**

## **Chapter 1 GOED General Provisions**

### **Part 1 General Provisions**

#### **63N-1-101 Title.**

- (1) This title is known as the "Governor's Office of Economic Development."
- (2) This chapter is known as "GOED General Provisions."

Renumbered and Amended by Chapter 283, 2015 General Session

#### **63N-1-102 Definitions.**

As used in this title:

- (1) "Board" means the Board of Business and Economic Development created in Section 63N-1-401.
- (2) "Council" means the Governor's Economic Development Coordinating Council created in Section 63N-1-501.
- (3) "Executive director" means the executive director of the office.
- (4) "Office" or "GOED" means the Governor's Office of Economic Development.

Renumbered and Amended by Chapter 283, 2015 General Session

### **Part 2 Creation of GOED**

#### **63N-1-201 Creation of office -- Responsibilities.**

- (1) There is created the Governor's Office of Economic Development.
- (2) The office is:
  - (a) responsible for economic development and economic development planning in the state; and
  - (b) the industrial promotion authority of the state.
- (3) The office shall:
  - (a) administer and coordinate state and federal economic development grant programs;
  - (b) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
  - (c) act to create, develop, attract, and retain business, industry, and commerce in the state;
  - (d) act to enhance the state's economy;
  - (e) administer programs over which the office is given administrative supervision by the governor;
  - (f) submit an annual written report as described in Section 63N-1-301; and
  - (g) perform other duties as provided by the Legislature.
- (4) In order to perform its duties under this title, the office may:
  - (a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;

- (b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and
  - (c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.
- (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as dedicated credits of the office.
- (6)
- (a) The office shall obtain the advice of the board before implementing a change to a policy, priority, or objective under which the office operates.
  - (b) Subsection (6)(a) does not apply to the routine administration by the office of money or services related to the assistance, retention, or recruitment of business, industry, or commerce in the state.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-1-202 Executive director of office -- Appointment -- Removal -- Compensation.**

- (1) The office shall be administered, organized, and managed by an executive director appointed by the governor, with the consent of the Senate.
- (2) The executive director serves at the pleasure of the governor.
- (3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Renumbered and Amended by Chapter 283, 2015 General Session

Amended by Chapter 344, 2015 General Session

**63N-1-203 Powers and duties of executive director.**

- (1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.
- (2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.
- (3) The executive director, with the approval of the governor:
  - (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs;
  - (b) may enter into a lawful contract or agreement with another state, a chamber of commerce organization, a service club, or a private entity; and
  - (c) shall annually prepare and submit to the governor a budget of the office's financial requirements.
- (4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-1-204 Executive director and the Public Service Commission.**

- (1) The executive director or the executive director's designee shall:
  - (a) become generally informed of significant rate cases and policy proceedings before the Public Service Commission; and
  - (b) monitor and study the potential economic development impact of these proceedings.

- (2) In the discretion of the executive director or the executive director's designee, the office may appear in a proceeding before the Public Service Commission to testify, advise, or present argument regarding the economic development impact of a matter that is the subject of the proceeding.

Renumbered and Amended by Chapter 283, 2015 General Session

### **Part 3**

#### **GOED Annual Report**

##### **63N-1-301 Annual report -- Content -- Format.**

- (1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.
- (2) For each operation, activity, program, or service provided by the office, the annual report shall include:
  - (a) a description of the operation, activity, program, or service;
  - (b) data selected and used by the office to measure progress, performance, and scope of the operation, activity, program, or service, including summary data;
  - (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
  - (d) historical data from previous years for comparison with data reported under Subsections (2) (b) and (c);
  - (e) goals, challenges, and achievements related to the operation, activity, program, or service;
  - (f) relevant federal and state statutory references and requirements;
  - (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
  - (h) other information determined by the office that:
    - (i) may be needed, useful, or of historical significance; or
    - (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.
- (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (4) The office shall:
  - (a) submit the annual report in accordance with Section 68-3-14; and
  - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website.

Renumbered and Amended by Chapter 283, 2015 General Session

### **Part 4**

#### **Board of Business and Economic Development**

##### **63N-1-401 Board of Business and Economic Development -- Membership -- Expenses.**

- (1)
  - (a) There is created within the office the Board of Business and Economic Development, consisting of 15 members appointed by the governor to four-year terms of office with the consent of the Senate.
  - (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) The members may not serve more than two full consecutive terms except where the governor determines that an additional term is in the best interest of the state.
- (2) In appointing members of the committee, the governor shall ensure that:
  - (a) no more than eight members of the board are from one political party; and
  - (b) members represent a variety of geographic areas and economic interests of the state.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) Eight members of the board constitute a quorum for conducting board business and exercising board power.
- (5) The governor shall select one board member as the board's chair.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-1-402 Board duties and powers.**

- (1) The board shall advise and assist the office to:
  - (a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
  - (b) promote and encourage the development, attraction, expansion, and retention of businesses, industries, and commerce in the state;
  - (c) support the efforts of local government and regional nonprofit economic development organizations to encourage expansion or retention of businesses, industries, and commerce in the state;
  - (d) act to enhance the state's economy;
  - (e) work in conjunction with companies and individuals located or doing business in the state to secure favorable rates, fares, tolls, charges, and classification for transportation of persons or property by:
    - (i) railroad;
    - (ii) motor carrier; or
    - (iii) other common carriers;
  - (f) recommend policies, priorities, and objectives to the office regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;
  - (g) recommend how the office should administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;
  - (h) help ensure that economic-development programs are available to all areas of the state in accordance with federal and state law; and

- (i) maintain ethical and conflict of interest standards consistent with those imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (2) The board may:
  - (a) in accordance with Subsection (1)(e), appear as a party litigant on behalf of an individual or a company located or doing business in the state in a proceeding before a regulatory commission of the state, another state, or the federal government; and
  - (b) in consultation with the executive director, make, amend, or repeal rules for the conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 283, 2015 General Session

## **Part 5**

### **Governor's Economic Development Coordinating Council**

#### **63N-1-501 Governor's Economic Development Coordinating Council -- Membership -- Expenses.**

- (1) There is created in the office the Governor's Economic Development Coordinating Council, consisting of the following 11 members:
  - (a) the executive director, who shall serve as chair of the council;
  - (b) the chair of the board or the chair's designee;
  - (c) the chair of the Utah Science Technology and Research Governing Authority created in Section 63M-2-301 or the chair's designee;
  - (d) the chair of the Governor's Rural Partnership Board created in Section 63C-10-102 or the chair's designee;
  - (e) the chair of the board of directors of the Utah Capital Investment Corporation created in Section 63N-6-301 or the chair's designee;
  - (f) the chair of the Economic Development Corporation of Utah or its successor organization or the chair's designee;
  - (g) the chair of the World Trade Center Utah or its successor organization or the chair's designee; and
  - (h) four members appointed by the governor, with the consent of the Senate, who have expertise in business, economic development, entrepreneurship, or the raising of venture or seed capital for research and business growth.
- (2)
  - (a) The four members appointed by the governor may serve for no more than two consecutive two-year terms.
  - (b) The governor shall appoint a replacement if a vacancy occurs from the membership appointed under Subsection (1)(h).
- (3) Six members of the council constitute a quorum for the purpose of conducting council business and the action of a majority of a quorum constitutes the action of the council.
- (4) A member may not receive compensation or benefits for the member's service on the council, but may receive per diem and travel expenses in accordance with:
  - (a) Sections 63A-3-106 and 63A-3-107; and
  - (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (5) The office shall provide office space and administrative staff support for the council.

- (6) The council, as a governmental entity, has all the rights, privileges, and immunities of a governmental entity of the state and its meetings are subject to Title 52, Chapter 4, Open and Public Meetings Act.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-1-502 Council powers and duties.**

- (1) The council shall:
- (a) make recommendations to the governor, the office, and the board on policies and objectives related to economic development and growth in the state;
  - (b) coordinate with state and private entities, including private venture capital and seed capital firms, to avoid duplication of programs and to increase the availability of venture and seed capital for research and for the development and growth of new and existing businesses in the state;
  - (c) give priority to technologies, industries, and geographical areas of the state in which the state can expand investment and entrepreneurship and stimulate job growth;
  - (d) develop ideas and strategies to increase national and international business activities for both the urban and rural areas of the state; and
  - (e) plan, coordinate, or recommend action that would better the state's economy.
- (2) The council shall annually report its activities to the office for inclusion in the office's annual written report described in Section 63N-1-301.

Renumbered and Amended by Chapter 283, 2015 General Session